



**R. Scott Thompson**

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December 14, 2011

**ECF**

Hon. Cathy L. Waldor, U.S.M.J.  
United States District Court for the District of New Jersey  
King Federal Building & Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: *BanxCorp v. Bankrate, Inc.*, Civ. No. 07-3398 (ES-CLW)  
*BanxCorp v. LendingTree, LLC*, Civ. No. 10-2467 (ES-CLW)**

Dear Judge Waldor:

On December 14, 2011, I wrote to Your Honor concerning a subpoena directed to Panache Privee, Ltd., an entity owned and run through the same organization as BanxCorp, the plaintiff in this case. We believe that Panache/BanxCorp has engaged in systematic obstruction in this case, and that their behavior regarding the Panache subpoena typifies that obstruction. We asked the Court to take steps to put an end to the misconduct.

Since the date of that letter, BanxCorp has submitted two letters to Your Honor in advance of today's conference call. In each of those letters, BanxCorp deliberately misrepresented material issues.

First, On December 1, 2011, Kristen Renzulli (co-counsel for BanxCorp) informed Your Honor that Panache Privee Ltd. -- the entity to which we addressed a subpoena in April 2011 -- did not exist until 2006, "is a different business entity" from the Panache entity that existed in 2005, and is "unrelated" to the business run by BanxCorp under the Panache name prior to 2006. Those representations are false. Attached hereto as Exhibit A is a copy of the "About Us" page from the website maintained by Panache Privee Ltd., which states that Panache Privee Ltd. was "[e]stablished in 2004" and "Founded" in 2004. Also attached is a copy of a page from Norbert Mehl's Linked In profile, in which he states that he has been the CEO of Panache Privee Ltd since 2004.<sup>1</sup> Counsel's representations to this Court -- designed to raise a new obstacle to enforcement of the Panache subpoena -- are contradicted by her client's public statements.

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<sup>1</sup> The web address "panachemag.com" -- the address through which Panache conducted business in 2005 -- directs you to Panache Privee's website.

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Second, yesterday Mordechai Lipkis (co-counsel for BanxCorp, admitted *pro hac vice*) wrote to Your Honor concerning the participation of John Balestriere in today's conference call. Mr. Lipkis purported to attach the correspondence from yesterday related to the issue.

In fact, the correspondence attached by Mr. Lipkis was fabricated; it appears to be an incomplete cut and paste of selected emails, presented to appear as if it was a complete email string. It deliberately left out Mr. Balestriere's (reasonable) explanation of his position. I asked counsel to correct the misleading submission so that I would not have to write to the Court; counsel ignored my request. I attach as Exhibit B a copy of one of the complete email strings including Mr. Balestriere's email.

It is this kind of conduct that led Judge Arleo (before the case was transferred to Judge Salas and Your Honor) to impose discovery sanctions on BanxCorp, and then to issue an order to show cause why Mr. Lipkis's *pro hac vice* admission should not be revoked. Since this case was transferred in July, BanxCorp's misconduct has become worse. Every issue between the parties is addressed through misdirection and obstruction, and every submission to the Court is intentionally misleading, if not flat-out false.<sup>2</sup>

BanxCorp has demonstrated beyond any possible doubt that it will not follow the rules governing practice in this Court. We ask that the Court take this into account, and craft an appropriate remedy.

Respectfully submitted,



R. Scott Thompson

Enclosures

cc: Mordechai Lipkis, Esq. (Email)(w/enc.)  
Kristen Renzulli, Esq. (Email)(w/enc.)  
Lawrence Hersh (ECF)(w/enc.)  
Daniel Brown, Esq. (Email)(w/enc.)  
Michael Hahn, Esq. (w/enc.)

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<sup>2</sup> Recent submissions by BanxCorp to the Southern District of New York in connection with the misdirected motion to quash the Panache subpoena followed the same pattern.

## **EXHIBIT A**





**HOSPITALITY REAL ESTATE BROKERAGE  
LUXURY MARKET INVESTMENTS**

**HUDSON VALLEY 30-ACRE HISTORIC ESTATE & CULINARY CENTER**  
Northern Westchester County, New York  
at the border of Fairfield County, Connecticut

Prestigious restaurant and catering facility.  
Opportunity for re-development as culinary center  
w/ production studio, organic farm, private club, etc.

PEOPLE & PARTIES

ARTS & CULTURE

PHILANTHROPY

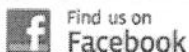
TRAVEL

LIFE & STYLE

FOOD & WINE

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#### Calendars

All Locations

December 2011 >>

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

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## ABOUT PANACHE PRIVÉE

### Interactive Profiles & Special Events

Panache Privée has created one of the the leading interactive networks of affluent and influential people, helping them connect and learn more about their peers.

Established in 2004, *Panache Privée* serves a rapidly growing global community, including an A-list of diplomats, business leaders, financiers, socialites, investors, collectors, philanthropists, and top professionals in the worlds of travel & hospitality, food & wine, arts & culture, sports, fashion, media & entertainment, and health & beauty.

### Private Previews With Panache

As an added value to our clients and partners, Panache Privée periodically organizes exclusive **private events and previews** at prestigious locations. During the past five years we have held special events at 995 Fifth Avenue (formerly The Stanhope Hotel), Rolls-Royce Manhattan Motorcars, Lamborghini Manhattan, Manhattan Motorcars Hamptons, Delamar Greenwich Harbor, Mercedes-Benz Manhattan, and Saks Fifth Avenue.

Our events are typically co-sponsored by celebrity chefs, top restaurants, wineries, and global luxury brands, such as Princess Grace Foundation, Rolls-Royce, Maybach, Sunseeker Yachts, St. Regis Hotels, Raffles Resorts, Badrutt's Palace Hotel St. Moritz, Alvear Palace Hotel Buenos Aires, Parrot Cay Resort, Acker Merral & Condit, Moët & Chandon, Palmes D'Or Champagne, Pommery Champagne, The Glenlivet, Courvoisier, Martell, Chivas-Regal, Belvedere Vodka, Ketel-One Vodka, Kaufmann de Suisse, Carl F. Bucherer, Roger Dubuis, La Maison du Chocolat, Payard, etc.

### PANACHE PRIVÉE AT-A-GLANCE

**Company Type** Privately-Held

**Founded** 2004

**Headquarters** New York, NY

**Key People** Norbert Mehl  
Co-Founder & CEO

Diana Mehl  
Co-Founder & Editorial Director

**Products & Services** People & Parties, Arts & Culture, Philanthropy, Food & Wine, Luxury Real Estate & Hospitality, Travel, Life & Style, Interactive Profiles & Calendars

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**HUDSON VALLEY HISTORIC ESTATE**  
Hospitality, Culinary, Wellness Center  
30-acre Development Opportunity

(licensed and operating as a  
restaurant and banquet hall for 35 years)



**Panache Privée**  
Luxury Real Estate

## Norbert Mehl

Founder & CEO of Panache Privee Ltd., and BanxCorp  
Greater New York City Area | Real Estate

Current	<ul style="list-style-type: none"> <li>• Founder &amp; CEO at Panache Privee Ltd.</li> <li>• Founder &amp; CEO at BanxCorp - BanxQuote</li> </ul>
Education	<ul style="list-style-type: none"> <li>• Universidad de Buenos Aires</li> </ul>
Connections	12 connections
Websites	<ul style="list-style-type: none"> <li>• Company Website</li> <li>• Company Website</li> <li>• Company Website</li> </ul>

## Norbert Mehl's Experience

### Founder & CEO

#### Panache Privee Ltd.

2004 – Present (7 years)

Panache serves the most affluent people from coast to coast and overseas. The luxury real estate brokerage division of Panache Privée serves an elite group of clients, handling properties generally worth \$5 million and up, primarily in Manhattan, the Hamptons, Westchester County-NY, and Fairfield County-CT.

### Founder & CEO

#### BanxCorp - BanxQuote

1984 – Present (27 years)

BanxCorp is a private company owned by Norbert Mehl, that operates a diversified portfolio of businesses started up and funded through its own internal resources.

Its flagship unit BanxQuote.com is a B2C Banking Marketplace and bank rate aggregator that provides personal finance and enterprise benchmarking solutions featuring dynamically updated daily market rates on banking and loan products from financial institutions in all fifty states and Washington, DC. BanxQuote also provides proprietary state-by-state, regional, and national composite benchmarks and indices for its various banking and lending products. Clients of the firm have included hundreds of financial institutions nationwide.

## Norbert Mehl's Education

### Universidad de Buenos Aires

MBA, Business & Economics

At the age of 25, Norbert Mehl was the co-managing partner of the VITUB-CONSTRUMETAL consortium, supervising a crew of over 500 people that built a suspended steel and fiberglass skyroof for the 1978 World Cup stadium at the seaside casino resort of Mar Del Plata on the South Atlantic. The project was officially declared of "National Interest" by the country's president.

*Activities and Societies:* Born in Zurich, Switzerland and raised in Argentina, Norbert is a multi-lingual entrepreneur, engaged in the financial services, real estate, luxury goods and hospitality markets.

## Norbert Mehl's Additional Information

Websites:

- Company Website
- Company Website
- Company Website

Interests: Real Estate, banking, financial services, luxury goods and services, travel & hospitality, yachts, arts & culture, food & wine.

Honors and Awards: As today's foremost provider of indexes and analytics that are used as a barometer of the U.S. banking, credit, mortgage and housing markets, Mr. Mehl and his firm BanxQuote have been frequently sought after and quoted by leading media, public policymakers and major financial institutions and corporations. Among his most notable recent professional achievements, a BanxQuote chart was featured by the White House in the "2008 Economic Report of the President," and by the U.S. Department of the Treasury at a May 2008 private presentation for leading Wall Street executives, entitled "The Administration's Housing Strategy and Economic Update."

## Contact Norbert for:

- new ventures
- getting back in touch
- business deals

## View Norbert Mehl's full profile to...

- See who you and Norbert Mehl know in common
- Get introduced to Norbert Mehl
- Contact Norbert Mehl directly

[View Full Profile](#)

## **EXHIBIT B**



**Thompson, R. Scott**

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**From:** John G. Balestriere [john.balestriere@balestriere.net]  
**Sent:** Tuesday, December 13, 2011 2:15 PM  
**To:** Thompson, R. Scott  
**Cc:** 'Kristen Renzulli'; Mordechai Lipkis; lh@hershlegal.com; Daniel Brown; Hahn, Michael J.; Jesse, Eric; Chase Eldredge  
**Subject:** Re: Conference Call Tomorrow

Counsel:

To confirm, Scott did not invite me nor contact me in any way. Scott's did clarify when I asked to be on the call that the call was not specifically about the third party subpoena which had been served on our firm.

Court proceedings are presumptively open. This is a court proceeding and BanxCorp would need to show good cause as to why I should not be present. More to the point, Bankrate has served a third party subpoena on our firm which might, at some point, require our firm to respond anew. It makes sense for us to be on this call.

But, as I have written, I think it is easiest simply to put this before the Court, if BanxCorp wishes to take Court time to do so, at the very beginning of the call tomorrow. I quite obviously will do whatever the Court directs. And while I think it would be a waste of the Court's time to raise this at the beginning of the call tomorrow, I certainly share Scott's opinion that it would be downright silly to bring it up before tomorrow.

Please copy me and legal analyst Chase Eldredge on any further correspondence regarding this issue.

John

John G. Balestriere  
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New York, NY 10007  
Phone +1-212-374-5401  
Facsimile +1-212-208-2613  
E-mail [john.balestriere@balestriere.net](mailto:john.balestriere@balestriere.net)  
Skype johnbalestriere  
Bio <http://jgb.balestriere.net>  
LinkedIn <http://www.linkedin.com/in/johnbalestriere>  
[www.balestriere.net](http://www.balestriere.net)

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12/14/2011

On 12/13/2011 2:07 PM, Thompson, R. Scott wrote:

Kristen:

I didn't invite John; he called me when he saw that a conference was scheduled and asked to be included. I told him that I didn't think he should be on the call, but he insisted.

His proposal -- to raise the issue at the beginning of the call tomorrow -- seems reasonable and efficient, and I can't see why it would be unacceptable to you. I am sure that the judge doesn't want to be bothered with such a silly issue by way of a special emergency application today.

Scott

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**From:** Kristen Renzulli [<mailto:kristen@renzullipc.com>]

**Sent:** Tuesday, December 13, 2011 1:56 PM

**To:** Thompson, R. Scott

**Cc:** Mordechai Lipkis; [lh@hershlegal.com](mailto:lh@hershlegal.com); Daniel Brown; Hahn, Michael J.; Jesse, Eric

**Subject:** Re: Conference Call Tomorrow

Scott,

This demonstrates that you purposely invited Plaintiff's former counsel to dial in at tomorrow's call between the parties and Judge Waldor. Unless you immediately send us a new passcode as requested, we will contact chambers today. Judge Salas already quashed your subpoena to Balestriere and Judge Wigenton revoked his rights to make ECF filings in this action. He is no longer admitted pro hac vice. We will also ask the Court to issue disciplinary sanctions, including against former counsel Balestriere, for interference.

Kristen Renzulli, Esq.  
Law Offices of Kristen Renzulli, PC  
31 Overlook Drive  
Chappaqua, New York 10514  
914.263.7703  
914.238.9506 Fax  
[kristen@renzullipc.com](mailto:kristen@renzullipc.com)

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12/14/2011



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On Dec 13, 2011, at 1:08 PM, Thompson, R. Scott wrote:

John:

BanxCorp has objected to your participation in the call tomorrow with Judge Waldor. Please confirm that you have spoken with counsel for BanxCorp and agreed not to participate.

Scott

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